

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT

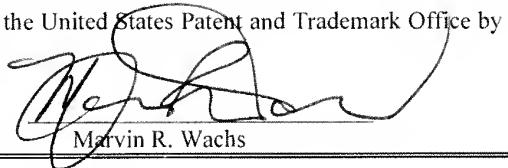
APPLICANT:	Petros Tsipouras <i>et al.</i>	GROUP ART UNIT:	1631
APPLICATION SERIAL NO.:	10/091,360	EXAMINER:	CLOW, LORI A. Tel. 571-272-0715
FILING DATE:	March 4, 2002	ATTORNEY DOCKET NO.:	IK-110.3(C) 016853-0044
TITLE OF APPLICATION:	METHOD AND APPARATUS FOR COMPUTER CONTROLLED RARE, INCLUDING FETAL CELL, BASED DIAGNOSIS		

Confirmation No. 1541

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office by EFS filing on:

Date: May 28, 2009



Marvin R. Wachs

**RESPONSE TO THE NON-FINAL OFFICE ACTION
OF NOVEMBER 28, 2008**

I. INTRODUCTORY COMMENTS

• **REQUEST FOR CONSIDERATION OF RESPONSE**

This “RESPONSE TO THE NON-FINAL OFFICE ACTION OF NOVEMBER 28, 2008” replies to the outstanding office action in this case, responding to every ground of objection and rejection set forth in such office action. This response is a bona fide attempt to advance the application to final action. In light of the amendments (if any) and remarks set forth below, Applicant requests that the Examiner reconsider the Examiner’s stance with respect to the patentability of the claims and Applicant seeks further examination of the application. Applicant hereby requests that any objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.

• **REQUEST FOR EXTENSION AND PAYMENT OF FEES**

An extension of three months in the time to respond to the office action is requested. Applicant hereby provides the Commissioner with the authority to debit Kelley Drye

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& Warren's Deposit Account No. 11-0404 for any necessary fees. While not believed applicable in such case, Applicants note 37 C.F.R. §1.7 which states “[w]hen the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday or a Federal holiday.”

• *LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT*

SECTIONS OF DOCUMENT	LOCATION OF SECTION
I. INTRODUCTORY COMMENTS	Pages 1 - 3
II. AMENDMENTS TO THE SPECIFICATION	Pages 4
III. AMENDMENTS TO THE CLAIMS	Pages 5 - 8
IV. AMENDMENTS TO THE DRAWINGS	Pages 9
V. REMARKS/ARGUMENTS	Pages 10 - 13
VI. APPENDIX	Pages 14

• REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS

Applicant respectfully requests entrance of the amendments (if any), and consideration of its arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of

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any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/canceled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any continuation, divisional, continuation-in-part, RCE, CPA or any other application claiming priority to or through the present application. Applicants expressly reserve the right to file applications directed to the subject matter covered by any canceled or previously submitted claim, as well as any uncovered subject matter disclosed in the specification.